

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALLEN MOTT, LOUIS CARRER,
and JOHN JORDAN

Appeal No. 2006-1867
Application No. 10/820,259

ON BRIEF

Before KIMLIN, KRATZ, and GAUDETTE, Administrative Patent
Judges.

KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 18, 20-22, 25-28, and 30-32. Claims 7 and 9-12 have been allowed by the examiner. Claims 18 and 25 are illustrative:

18. A method for forming a fuel flange, the method comprising:

providing at least one electrical conductor comprising a first plurality of ribs;

jacketing said at least one electrical conductor with an electrical insulating material to form a connector body, said first plurality of ribs defining a first tortuous path with said electrical insulating material for impeding the passage of hydrocarbon based fuel components, said connector body comprising a second plurality of ribs comprising a substantially uniform series of ribs looping around an exterior of the connector body; and,

molding said fuel flange around said connector body for forming a second tortuous path, said second plurality of ribs defining said second tortuous path for impeding passage of hydrocarbon based fuel components between said connector body and said fuel flange.

25. A method of forming a vehicle fuel tank combined fuel flange and electrical connector comprising:

molding a pre-mold housing onto a plurality of electrical conductors to form a pre-mold electrical connector, wherein the electrical conductors comprising ribs such that first tortuous joints are formed between the pre-mold housing and the electrical conductors; and

overmolding a flange member onto the pre-mold electrical connector, wherein the pre-mold housing comprises a series of circumferential ribs on an exterior side which form a second tortuous joint between the flange member and the pre-mold electrical connector.

The examiner relies upon the following references as evidence of obviousness:

Onoda	6,187,242 B1	Feb. 13, 2001
Bickford et al. (Bickford)	6,506,083 B1	Jun. 14, 2003

Appellants' claimed invention is directed to a method for forming a fuel flange comprising forming a connector body by

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electrically insulating an electrical conductor comprising a first plurality of ribs, wherein the exterior of the connector body has a second plurality of ribs comprising a substantially uniform series of ribs looping around the exterior. A fuel flange is then molded around the connector body. The first and second plurality of ribs define tortuous paths for impeding the passage of hydrocarbon fuel.

Appealed claims 18, 20-22, 25-28 and 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Onoda in view of Bickford.

We have thoroughly reviewed the respective positions advanced by appellants and the examiner. In so doing, we find ourselves in agreement with appellants that the examiner has failed to establish a *prima facie* case of obviousness for the claimed subject matter. Accordingly, we will not sustain the examiner's rejection.

Onoda, the primary reference, does not teach an electrical conductor with the claimed first plurality of ribs, but appellants concede that "it would be obvious to provide metal terminals 4,5 of Onoda with ribs in view of the ribs 22 of the contacts 12 in Bickford" (page 2 of Reply Brief, second paragraph). The examiner also acknowledges that "Onoda does not

show a series of ribs looping around the body," as presently claimed (page 5 of Answer, last sentence). However, it is the examiner's position that one of ordinary skill in the art would have found it obvious "to form the ribs provided in any conventional design, particularly in view of Bickford, which teaches a threaded surface (readable on the claimed "series of loops") for making an integral attachment with a second plastic body" (id.).

Upon thorough review of the Onoda and Bickford disclosures, we share appellants' view that impermissible hindsight is necessary to combine the teachings of Onoda and Bickford in the manner submitted by the examiner. As explained by appellants, threaded surface 28 of Bickford is for the purpose of screwing the insulating body 14 into the pressure bulkhead 26, and not for providing a mating surface for the claimed overmolded fuel flange. Appellants correctly point out that "[t]he rib 8a of the primary molded body 6 of Onoda is not intended to be screwed into anything; such as the screw threads 28 of Bickford" (sentence bridging pages 2 and 3 of Reply Brief). In essence, we agree with appellants that the threaded surface 28 of Bickford would not have motivated one of ordinary skill in the art to modify the surface of Onoda's primary molded body 36 in the manner claimed for mating with secondary molded body 37.

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While we have no doubt that one of ordinary skill in the art could design the primary molded body 6 or 36 of Onoda in accordance with the claimed invention, the proper test under § 103 is not what the skilled artisan could have done but, rather, what would have been suggested by the cited prior art. In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). For the above-stated reasons, we find that the requisite suggestion to modify Onoda stems not from Bickford but from appellants' own disclosure.

In conclusion, based on the foregoing, we are constrained to reverse the examiner's rejection.

REVERSED

Edward C. Kimlin
EDWARD C. KIMLIN)
Administrative Patent Judge)
)
Peter F. Kratz
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